THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5036 of 2007

13-03-2007

Between:-

M/s. Balaji Traders, Main Bazar,
Vinukonda rep., by its Proprietor
S.V.N.S. Srinivas Appa Rao,
Vinukonda, Guntur district.

Petitioner

And

Government of Andrha Pradesh rep.,
By its Principal Secretary, F & CS Dept.,
Secretariat Buildings, Hyderabad and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5036 of 2007

Oral order:

By the order impugned in this writ petition, scheduled commodities belonging to the petitioner, seized from the Central Ware Housing Corporation Godowns, Bhavanipuram, Vijayawada on

17-02-2007 for contravention of the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing and Distribution) Order, 1982 (for short 'the Control Order') were directed to be disposed of by way of public auction. The second respondent recorded in the impugned order dated 23-02-2007 that the stock seized is perishable in nature and that is the reason for directing interim disposal. This reason recorded is contrary to the

provisions of Section 6A (2) of the Essential Commodities Act, 1955, as held by this Court in the judgment dated 27-02-2007 in W.P.No. 3761 of 2007.

For the reasons alike, as recorded in W.P.No. 3761 of 2007, the writ petition is allowed, after hearing the learned Government Pleader for Civil Supplies. The impugned order dated 23-02-2007 bearing reference E.C.P.No. 63 of 2007 is quashed. The second respondent is at liberty to pass a fresh order in accordance with law. There shall be no order as to costs.

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GODA RAGHURAM, J

Dated:13-03-2007
Pvks/*
Nb:- Furnish c.c. tomorrow.
B/o pvks/*